

Claim Rejections – 35 U.S.C. § 103

Claims 1 – 14 and 53 – 55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Casey, U.S. Patent No. 6,205,488, in view of Armitage, U.S. Patent No. 6,374,303. Claims 15 – 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Casey in view of Armitage and further in view of Halpern, U.S. Patent No. 6,438,100. Claims 19, 20, 36, and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern in view of Casey. Claims 31 – 35 and 38 – 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern in view of Casey and further in view of Armitage. Claims 56 – 60 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armitage in view of Casey. These rejections are respectfully traversed.

Statement of Common Ownership

Casey was filed on November 13, 1998, and issued on March 20, 2001. Casey therefore qualifies as 102(e) prior art to the Applicant's Parent Application filed on November 4, 1999. Under the AIPA, continuing patent applications filed on parent applications filed before May 29, 2000 are subject to the AIPA rules governing 103 rejections. This Response accompanies such a CPA.

In accordance with the AIPA rules, 103 rejections based on commonly owned 102(e) prior art may be disqualified. The Applicant asserts that Casey and the Applicant's pending Application were both 100% commonly owned, or subject to assignment to, Nortel Networks Limited of 2351 Boulevard Alfred-Nobel, St. Laurent, Quebec, Canada, H4S 2A9, at the time the invention described in the Application was made. Casey's Assignee is referenced as Nortel Networks Limited. The Applicant's Assignment recorded on January 10, 2000, at Reel 101535, Frame 0044, indicates that the Applicant's invention is assigned to Nortel Networks Corporation. Nortel Networks Corporation was 100% owned by Nortel Networks Limited at the time the invention was made, and continues to be so owned. Therefore, Casey and the Applicant's

pending Application were both 100% commonly owned, or subject to assignment to, Nortel Networks Limited at the time the invention was made. The Applicant therefore respectfully requests that Casey be disqualified as prior art to Applicant's invention for purposes of 35 U.S.C. 103.

Because all outstanding claim rejections are based on Casey as a reference, the Applicant respectfully requests that the rejections be withdrawn and that the claims be placed in condition for allowance.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mary Steubing, Applicants' Attorney at the below phone number so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

1/25/2003  
Date

Mary Steubing  
Mary Steubing, Reg. No. 37,946  
Attorney/Agent for Applicant(s)  
Steubing McGuinness & Manaras LLP  
30 Nagog Park Drive  
Acton, MA 01720  
(978) 264-6664  
(978) 264-9119 fax

Docket No. BA0352 120/056  
DD: 01/23/03